BORA LASKIN LAW LIBRARY
3 1761 10083656 8

TERIALS ON THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS

VOLUME 2

Compiled by J. Claydon
Assisted by J. Hatfield

1982, revised August 1983

been compiled and distributed on a non-profit
nternal use of students in the International
nars at Osgoode Hall Law School and the Faculty
versity and the University of Toronto.)

Store.
K
3240.3
M662
1983
v.2

LAW LIBRARY

SEP 8 1983

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

MATERIALS ON THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS

VOLUME 2

Compiled by J. Claydon
Assisted by J. Hatfield

1982, revised August 1983

(These materials have been compiled and distributed on a non-profit basis solely for the internal use of students in the International Human Rights Law Seminars at Osgoode Hall Law School and the Faculty of Law at Queen's University and the University of Toronto.)

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/materialsoninter02clay

TABLE OF CONTENTS

Volume 2

B. United Nations Institutions Specialized In The Human Rights Area . . 289

(1) Introduction 289

MACGUIGAN, Excerpts from Statements of 27 March 1981 and 31 August 1982 289

Canadian Human Rights Foundation, Background Paper, 1983 Annual Conference 292

VAN BOVEN, "Human Rights Fora at the United Nations; How to Select and To Approach the Most Appropriate Forum: What Procedural Rules Govern?" in Tuttle, ed., International Human Rights Law and Practice, 83-92 296

CLARK "Enforcement of International Human Rights - The Role of Lawyers," 28 (1980) Chitty's LJ 4-12 303

(2) Functional Roles 309

(a) Negotiation 309

CAREY, "Procedures for International Protection of Human Rights," International Procedures to Protect Human Rights: A Symposium, 1967 at 301-307 309

BISSEL, "Negotiation by International Bodies and the Protection of Human Rights," (1968) 7 Columbia J. Transnat'l L 90-94, 124-9, 131-4 314

RAMCHARAN, "The Good Offices of the United Nation's Secretary-General in the Field of Human Rights," (1982) 76 A.J.I.L. 130-141 318

KENDALL, "Some Human Rights Items Considered by the 34th Session of the U.N. General Assembly," at 6-8 326

(b) Fact-Finding and Investigation 327

ZUIJDWIJK, "The Annual Public Debate in the Sub-Commission and Commission on Violation of Human Rights Wherever They Occur" Petitioning the United Nations: A Case Study in Human Rights, 45-51 (1982) 327

FRANCK & FAIRLEY, "Procedural Due Process in Human Rights Fact-Finding by International Agencies" (1980) 74 A.J.I.L. 308 at 308, 310-23, 344-5 332

SHELTON, "Utilization of Fact-Finding Missions to Promote and Protect Human Rights," (1981) 2 Human Right L.J. 1 at 2-3, 8-12 343

ZUIJDWIJK, "The Ad hoc Working Group on Chile," Petitioning the United Nations: A Study In Human Rights, 1982, 304-315 348

I.C.J., "Chile", (1982) 28 The Review 35 357

KRAMER & WEISSBRODT, "The 1980 U.N. Commission on Human Rights and the Disappeared", (1981) Human Rights Q. 18-21, 30-33 359

I.C.J., "Missing and Disappeared Persons", (1982) 28 The Review 34-35 366

Newspaper Clipping 366

FISCHER, "Reporting Under the Covenant on Civil and Political Rights: The First Five Years of the Human Rights Committee", (1982) 76 A.J.I.L. 142-153 367

TARDU & MCCARTHY, "Consideration of Merits by the ECOSOC and the General Assembly", Human Rights: The International Petition System, 1980 at 114-116 375

Newspaper Clipping 377

(3) The Right of Individual Petition 378

MODEL 1503 PETITION 378

ZUIJDWIJK, "Developments Since 1971: Situations Dealt with Under Resolution 1503 (XLVIII)", Petitioning the United Nations: A Study in Human Rights, 1982, 39-54 381

HANNUM ET AL, "Current Developments - The 1981 Session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities", (1982) 76 A.J.I.L. 405 at 408-9 388

In the Matter of Lovelace v. Canada, Communication No. R. 6/24, Views of the Human Rights Committee, 30 July 1981 UN Doc. CCPR/C/DR(XIII) R.6 (24) at 2-11 390

Newspaper Clippings 399

In the Matter of Van Duzen v. Canada, Communication No. R. 12/50, Views of the Human Rights Committee, 7 April 1982, U.N. Doc. CCPR/C/DR(XV)/R.12/50 at 1-7 400

Communication from Van Duzen to the Human Rights Committee, 25 June 1982, at 1-3, 9-11 406

Canadian Human Rights Foundation Newsletter, "Jurisprudence Internationale (Comite des droits de l'homme de l'O.N.U."), No. 4 at 4-5 (1982) 411

REGIONAL ARRANGEMENTS 412

A. The European Convention 412

LILLICH & NEWMAN, "The Regional Approach to Human Rights", International Human Rights, 547-89 412

HIGGINS, "Derogations Under Human Rights Treaties", 1975-1976 Brit. Yrbk. Int'l L. 281 at 318-9 444

BONNER, "Ireland v. United Kingdom", (1978) 27 Int'l & Comp. L. Q. 897 444

LILLICH & NEWMAN, "Note: 'Degrading Treatment' v. 'Cruel and Unusual Punishment'" 451

B. The Inter-American Convention 456

KIRGIS, "The Inter-American System", in International Organization at 681-6 456

FARER & ROWLES, "The Inter-American Commission on Human Rights", in Tuttle, ed., International Human Rights Law and Practice at 48 461

SHELTON, "Utilization of Fact-Finding Missions to Promote and Protect Human Rights: The Chile Case", (1981) 2 H.R.L.J. 1 at 3-8, 12-13 473

Newspaper Clipping 477

BUERGENTHAL, "The Inter-American Court of Human Rights", (1982) 76 A.J.I.L. 231 478

Newspaper Clippings 487

Government of Costa Rica, In the Matter of Gallardo, No. G 101/81, Final Decision of the Inter-American Court of Human Rights, 13 November 1981, (1981) 2 H.R.L.J. 328 491

Advisory Opinion on the Effect of Reservations on the Entry into Force of the American Convention on Human Rights, Adv.Opin.No. OC-2/82, Decision of the Inter-American Court of Human Rights, 24 September 1982, reprinted in 22 I.L.M. 37 (1983) 497

Advisory Opinion on the Definition of Other Treaties Subject to the Interpretation of the Inter-American Court of Human Rights, Adv.Opin.No. OC-1/82, Decision of the Inter-American Court of Human Rights, 24 September 1982, reprinted in 22 I.L.M. 51 (1983) 502

VI INTEGRATING INTERNATIONAL HUMAN RIGHTS LAW INTO THE CANADIAN LEGAL SYSTEM: ALBERTA AND THE RIGHT OF CIVIL SERVANTS TO STRIKE 508

CLAYDON, "The Application of International Human Rights Law by Canadian Courts", 39 Buffalo L.R. 727 (1981) 508

COHEN & BAYEFSKY, "The Canadian Charter of Rights and Freedoms and Public International Law", 61 Cdn.Bar Rev. 265 (1983) 521

Re Alberta Union of Provincial Employees et al and The Crown in Right of Alberta, (1981) 120 D.L.R. (3d) 590 (Alta. Q.B., 25 July 1980) 533

BENDEL, "The International Protection of Trade Union Rights: A Canadian case Study", (1981) 13 Ottawa L.R. 169 553

VII THE USE OF INTERNATIONAL HUMAN RIGHTS LAW IN INTERPRETING THE CHARTER OF RIGHTS AND FREEDOMS: SECTION ONE AS A CASE STUDY 570

PAUST, "Political Oppression in the Name of National Security", 1982 at 4 570

HIGGINS, "Derogations Under Human Rights Treaties in Public Emergencies", (1975-1976) Brit. Yrbk. Int'l. L. 281 571

The Sunday Times Case, Judgment of the European Court of Human Rights, 29 March 1979, (1979) 18 I.L.M. 931 580

The Greek Case, (Denmark, Norway, Sweden, and the Netherlands v. Greece) Decision of the European Commission of Human Rights, 24 January 1968, (1968) 13 I.L.M. 818 597

FEINGOLD, The Doctrine of Margin of Appreciation and the European Convention on Human Rights", in Weston, Falk & D'Amato, International Law and World Order at 533-536 612

GITTLEMAN, "The African Charter on Human Rights and Peoples' Rights: A Legal Analysis", 22 V.J.I.L. 667, 691-709 (1982) 615

In the Matter of Landinelli Silva v. Uruguay, Communication No. R 8/34 Views of the U.N. Human Rights Committee, 8 April 1981, (1981) 2 H.R.L.J. 130 624

Subcommission on Prevention of Discrimination and Protection of Minorities, "Study of the Implications for Human Rights of Recent Developments concerning Situations Known as States of Emergency", U.N. Doc. E/CN. 4/Sub. 2/490, (28 August 1981) at 4-6 627

CLAYDON, "International Human Rights Law and The Interpretation of the Canadian Charter of Rights and Freedoms", 4 S.C.L.R. 287 (1982) 630

Mitchell v. Attorney General for the Province of Ontario, The Warden, Joyceville Institution, and the Attorney General of Canada, (as yet unreported) (Ont. S.C., 7 July 1983) 636